

The Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

MATHEW E. SANCHEZ, a single
person

Plaintiff,

vs.

Case No: 3:21-cv-05915-RJB

MEMORANDUM IN SUPPORT
OF PLAINTIFF'S MOTION
FOR LEAVE TO FILE
AMENDED COMPLAINT

**NOTED FOR CONSIDERATION
MAY 27, 2022**

THE STATE OF WASHINGTON;
WASHINGTON STATE PATROL; CARLOS
RODRIGUEZ, in his individual and official
capacities; MAURICE RINCON, in his individual
and official capacities; KATHRYN CHOVIL-
PETERSON, in her individual and official
capacities; BARRETT CHING, in his individual
and official capacities; DARRELL NOYES, in his
individual and official capacities; TRAVIS
CALTON, in his individual and official
capacities; JENNIFER WILCOX, in her
individual and official capacities; WILLIAM
STEEN, in his individual and official capacities;
KALEB MILLER, in his individual and official
capacities; MICHAEL PEASE, in his individual
and official capacities; OPERATION
UNDERGROUND RAILROUND, INC., a
foreign non-profit corporation, KITSAP
COUNTY, a municipality and subdivision of the
State of Washington, and COREEN SCHNEPF,
Former Kitsap County Deputy Prosecutor, in her
individual and official capacities; JOHN DOE
AND JANE DOE 1-10, et.al.

Defendants.

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THE LAW OFFICE OF
CHARLES W. LANE, IV, P.L.L.C.
1800 COOPER POINT RD, SW, BLDG #3
OLYMPIA, Washington, 98502
FACSIMILE (360) 956-3391
(360) 352-8887

1 Pursuant to Local Federal Rule 15, Plaintiff Matthew Sanchez hereby respectfully
2 submits this Memorandum in support of his Motion for Leave to File Amended Complaint.

3
4 **PROCEDURAL POSTURE**

5 The Plaintiff's attorney passed away September 13, 2021. The Plaintiff then filed suit on
6 pro se, September 27, 2021, in Thurston County Superior Court. It was removed to the Western
7 District Court of Washington on December 16, 2021. Current counsel for the Plaintiff filed a
8 Notice of appearance with court on January 24, 2022. The Scheduling Order was entered on
9 March 16, 2022. Counsel has had the opportunity to review the file and the complaint that had
10 been initially filed with the court. There are changes that need to be made to the complaint to
11 make it more precise, coherent, relate more accurately to the evidence. This is intended to help
12 in the court in the judicial efficiency of the case and is done in the interests of justice.

13
14 **SUMMARY OF ARGUMENT**

15 Federal Rule of Civil Procedure 15(a)(2) contemplates that a court will freely grant
16 leave to file an amended complaint when the interests of justice so require. Additionally, the
17 Court has a liberal policy of allowing amendments to a complaint. Granting this motion allows
18 Plaintiff to describe in further detail the issues in this action, eliminating disputes over form that
19 would waste this Court's time.

20
21 **STATEMENT OF FACTS**

22 Attached to this memorandum is a comparison copy of the Amended Complaint that
23 shows the changes to the original Complaint. These changes are meant to make the Amended
24 Complaint more precise, coherent, and make the claims relate more accurately to the evidence.

25
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1 This is intended to help in the court in the judicial efficiency of the case and is done in the
 2 interests of justice.

3 4 ARGUMENT

5 Pursuant to Fed. R. Civ. P. 15(a)(2), a "court should freely give leave [to amend] when
 6 justice so requires," Fed. R. Civ. P. 15(a)(2). Courts apply this policy with "extreme liberality."
 7 *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003). Five factors are
 8 commonly used to assess the propriety of granting leave to amend: (1) bad faith, (2) undue
 9 delay, (3) prejudice to the opposing party, (4) futility of amendment, and (5) whether plaintiff
 10 has previously amended the complaint. *Allen v. City of Beverly Hills*, 911 F.2d 367, 373 (9th
 11 Cir. 1990); *Foman v. Davis*, 371 U.S. 178, 182 (1962). In conducting this five-factor analysis,
 12 the court must grant all inferences in favor of allowing amendment. *Griggs v. Pace Am. Group,*
 13 *Inc.*, 170 F.3d 877, 880 (9th Cir. 1999). In addition, the court must be mindful of the fact that,
 14 for each of these factors, the party opposing amendment has the burden of showing that
 15 amendment is not warranted. *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 187 (9th Cir.
 16 1987); see also *Richardson v. United States*, 841 F.2d 993, 999 (9th Cir. 1988). *Larrison v.*
 17 *Ocean Beauty Seafoods, LLC (W.D. Wash. 2021)*

18
 19 Federal Rule of Civil Procedure 15(a) requires that leave to file an amended complaint
 20 be "freely given when justice so requires." This standard is readily met here, as the more
 21 detailed Amended Complaint provides a broadened, more accurate recitation of the facts and
 22 narrows the scope of the issues presented in the litigation and will not prejudice the opposing
 23 party.

24 //

CONCLUSION

For the reasons, Plaintiff's Motion for Leave to File Amended Complaint should be granted.

Dated this 19th day of May, 2022.

s/ Charles W. Lane, IV
Charles W. Lane, IV
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I Franklin Wilson hereby certify that on May 19th, 2022, I caused to be electronically served by email a full and exact copy of the foregoing **Memorandum in Support of Plaintiff's Motion for Leave to File Amended Complaint** on the following persons:

Attorneys for State of Washington and Washington State Patrol

Lori A. Nicolavo, AAG
Joshua Orf-Rodriguez, AAG
Attorney General of Washington
7141 Cleanwater Drive SW
P.O. Box 40126
Olympia, Washington 98504-0126
Lori.Nicolavo@atg.wa.gov
Joshua.OrfRodriguez@atg.wa.gov

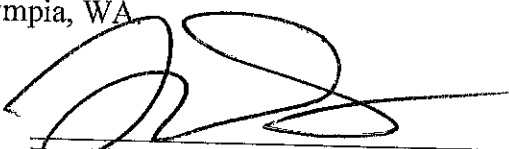
Attorneys for Operation Underground Railroad

Perkins Coie LLP
Kristine Kruger, WSBA No. 44612
1201 Third Avenue, Suite 4900
Seattle, WA 98101
kkruger@perkinscoie.com
MFunk@perkinscoie.com

Attorneys for Defendants Kitsap County and Coreen Schnepf

Christine Palmer, SDP
Kitsap County Prosecutor's Office- Civil
614 Division Street
Port Orchard, WA 98367
cmpalmer@kitsap.gov
igeorge@kitsap.gov
bfredsti@kitsap.gov

DATED this 19th day of May 2022, in Olympia, WA.


Franklin D.R. Wilson
Paralegal & Licensed Investigator

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